

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: J.F. ATKINSON, JR., Respondent
Arkansas Bar ID#76003
CPC Docket No. 2008-058

FILED

SEP 19 2008

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Linda Cooper in an Affidavit dated July 8, 2008. The information related to the representation of Ms. Cooper by Respondent beginning in September 2007.

On July 17, 2008, Respondent was served with a formal complaint, supported by affidavit from Linda Cooper. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Committee reflected that Ms. Cooper hired J.F. Atkinson, an attorney practicing primarily in Fort Smith, Arkansas, to file for bankruptcy protection for her during September 2007. She completed the paperwork provided her and returned the same to Mr. Atkinson. He was paid \$1099 in cash by Ms. Cooper, \$299 of which was a filing fee. No bankruptcy petition had been filed by Mr. Atkinson as of the date of service of the formal disciplinary complaint made the basis of this Findings and Order.

From September 2007, when the fee was paid, through the time she contacted the Office of Professional Conduct, Ms. Cooper had great difficulty in contacting Mr. Atkinson. She explained a lack of communication and information from him following the time she paid him for his services in seeking bankruptcy protection for her.

Finally, Ms. Cooper contacted Mr. Atkinson to request return of her paperwork and the funds paid to him. Mr. Atkinson did not comply with the request until after he was served with the formal disciplinary complaint. After service of the complaint, Mr. Atkinson refunded the entire fee and costs paid. He also made Ms. Cooper's file available to her at another attorney's office in Fort Smith.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Atkinson's conduct violated Rule 1.1 when he was not thorough enough in his representation of Ms. Cooper to file a Petition for Bankruptcy relief for her as he was hired to do and when he was not thorough enough in his representation of Ms. Cooper to prepare and have Ms. Cooper sign bankruptcy petitions for filing with the court. Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Atkinson's conduct violated Rule 1.2(a) when, in spite of the fact that Ms. Cooper wished to file for bankruptcy protection, he took no action to complete this process for her after being hired to do so in September 2007. Rule 1.2(a) requires that subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.

3. That Mr. Atkinson's conduct violated Rule 1.3 when he failed to have Ms. Cooper sign bankruptcy paperwork in order to begin the process of seeking bankruptcy protection for

her; when he failed to complete the necessary action to file a bankruptcy petition for Ms. Cooper; and, when he failed to act with diligence or promptness after Ms. Cooper hired him in September 2007, to represent her in obtaining protection through the bankruptcy process. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

4. That Mr. Atkinson's conduct violated Rule 1.4(a)(3) when he failed since September 2007 to keep Ms. Cooper informed of efforts, if any, taken on her behalf and when he failed since September 2007 to inform Ms. Cooper of the status of his actions with regard to seeking relief through bankruptcy for her. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of a matter.

5. That Mr. Atkinson's conduct violated Rule 1.4(a)(4) when he failed to respond to Ms. Cooper's requests for information about the status of preparation of the paperwork to seek bankruptcy relief on her behalf. Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that J.F. ATKINSON, JR. Arkansas Bar ID# 76003, be, and hereby is, REPRIMANDED for his conduct in this matter. Mr. Atkinson is also assessed the costs of this proceeding in the amount of \$100, pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Restitution is not ordered because Mr. Atkinson has already refunded the entire amount paid to him directly to Ms. Cooper. She has confirmed this fact. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings

and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A

By: Steven Shults
Steven Shults, Chair, Panel A

Date: 9-19-08

(13.M, Rev.1-1-02)